

MMC

USDC UT Approved 06/06/00

FILED
CLERK, U.S. DISTRICT COURT

United States District Court
District of Utah

OCT 00 AM 7:23

DISTRICT OF UTAH

UNITED STATES OF AMERICA

vs.

Jesus Alejandro Garcia-Miranda

JUDGMENT IN A CRIMINAL CASE

(For Offenses Committed On or After November 1, 1987)

Case Number: 2:99-CR-00391-001

Plaintiff Attorney: Michele A. Christiansen

Defendant Attorney: Robert Breeze

Atty: CJA ☒ Ret ☐ FPD ☐

Defendant's Soc. Sec. No.: None

Defendant's Date of Birth: 8/27/1974

Defendant's USM No.: 07712-081

Defendant's Residence Address:

Alien

09/22/2000

Date of Imposition of Sentence

Defendant's Mailing Address:

Alien

Country Mexico

Country Mexico

THE DEFENDANT:

COP 8/10/2000 Verdict

☒ pleaded guilty to count(s)

1 of the Indictment

☐ pleaded nolo contendere to count(s)
which was accepted by the court.☐ was found guilty on count(s)Title & Section

8 USC § 1326

Nature of Offense

Illegal Reentry of a Deported Alien

CountNumber(s)

1

Entered on docket

10/5/00 by:

Deputy Clerk

☐ The defendant has been found not guilty on count(s)☐ Count(s) (is)(are) dismissed on the motion of the United States.

SENTENCE

Pursuant to the Sentencing Reform Act of 1984, it is the judgment and order of the Court that the defendant be committed to the custody of the United States Bureau of Prisons for a term of

54 months

Upon release from confinement, the defendant shall be placed on supervised release for a term of

36 months

☐ The defendant is placed on Probation for a period of

33

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SPECIAL CONDITIONS OF SUPERVISED RELEASE/PROBATION

In addition to all Standard Conditions of (Supervised Release or Probation) set forth in PROBATION FORM 7A, the following Special Conditions are imposed: (see attachment if necessary)

1. Defendant shall not illegally reenter the U.S. In the event that the defendant should be released from confinement without being deported, he shall contact the U.S. Probation Office in the district of release within 72 hours of release. If the defendant returns to the U.S. during the period of supervision after being deported, he is instructed to contact the U.S. Probation Office in the District of Utah within 72 hours of arrival in the U.S.
2. Defendant has agreed not to contest deportation upon release to INS upon completion of incarceration.
3. Defendant to submit to substance abuse counseling as directed by the U.S. Probation Office.

COURT ORDERS that the defendant submit to one (01) drug test within 15 days of placement on supervision & at least two (02) periodic drug tests, thereafter, as directed by the probation officer, in addition to any other testing requirements ordered by the Court.

CRIMINAL MONETARY PENALTIES

FINE

The defendant shall pay a fine in the amount of \$ 200.00 , payable as follows:

- ☐ forthwith.
- ☒ in accordance with the Bureau of Prison's Financial Responsibility Program while incarcerated and thereafter pursuant to a schedule established by the U.S. Probation office, based upon the defendant's ability to pay and with the approval of the court.
- ☐ in accordance with a schedule established by the U.S. Probation office, based upon the defendant's ability to pay and with the approval of the court.
- ☒ other:
payment at rate of \$5.00 per month thru BOP Inmate Financial Responsibility Program

- ☐ The defendant shall pay interest on any fine more than \$2,500, unless the fine is paid in full before the fifteenth day after the date of judgment, pursuant to 18 U.S.C. § 3612(f).
- ☒ The court determines that the defendant does not have the ability to pay interest and pursuant to 18 U.S.C. § 3612(f)(3), **it is ordered that:**
- ☒ The interest requirement is waived.
- ☐ The interest requirement is modified as follows:

RESTITUTION

The defendant shall make restitution to the following payees in the amounts listed below:

<u>Name and Address of Payee</u>	<u>Amount of Loss</u>	<u>Amount of Restitution Ordered</u>

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<u>Name and Address of Payee</u>	<u>Amount of Loss</u>	<u>Amount of Restitution Ordered</u>
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Totals: \$ _____ \$ _____

(See attachment if necessary.) All restitution payments must be made through the Clerk of Court, unless directed otherwise. If the defendant makes a partial payment, each payee shall receive an approximately proportional payment unless otherwise specified.

☐ Restitution is payable as follows:

☐ in accordance with a schedule established by the U.S. Probation Office, based upon the defendant's ability to pay and with the approval of the court.

☐ other: _____

☐ The defendant having been convicted of an offense described in 18 U.S.C. § 3663A(c) and committed on or after 04/25/1996, determination of mandatory restitution is continued until _____ pursuant to 18 U.S.C. § 3664(d)(5) (not to exceed 90 days after sentencing).

☐ An Amended Judgment in a Criminal Case will be entered after such determination

SPECIAL ASSESSMENT

The defendant shall pay a special assessment in the amount of \$ 100.00, payable as follows:

☒ forthwith.

☐ _____

IT IS ORDERED that the defendant shall notify the United States Attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid

PRESENTENCE REPORT/OBJECTIONS

The court adopts the factual findings and guidelines application recommended in the presentence report except as otherwise stated in open court.

RECOMMENDATION

☒ Pursuant to 18 U.S.C. § 3621(b)(4), the Court makes the following recommendations to the Bureau of Prisons:

FCI in Pennsylvania & receive treatment for diminished capacity (assigned institution be aware & receive copies of the two evaluative reports as part of the submission of this Judgment)

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CUSTODY/SURRENDER

- ☒ The defendant is remanded to the custody of the United States Marshal.
- ☐ The defendant shall surrender to the United States Marshal for this district at _____ on _____.
- ☐ The defendant shall report to the institution designated by the Bureau of Prisons by _____ Institution's local time, on _____.

DATE:

October 2, 2000 J. Thomas Greene
J. Thomas Greene
United States District Judge

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RETURN

I have executed this judgment as follows:

Defendant delivered on _____ to _____
at _____, with a certified copy of this judgment.

UNITED STATES MARSHAL

By _____

Deputy U.S. Marshal

alf

United States District Court
for the
District of Utah
October 5, 2000

* * CERTIFICATE OF SERVICE OF CLERK * *

Re: 2:99-cr-00391

True and correct copies of the attached were either mailed or faxed by the clerk to the following:

US Probation
DISTRICT OF UTAH
,
JFAX 9,5261136

USMS
DISTRICT OF UTAH
,
JFAX 9,5244048

Robert Breeze, Esq.
213 E BROADWAY
SALT LAKE CITY, UT 84111
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,
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